

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI,
WESTERN DIVISION**

KIRBY G. TATE
CHRISTA TATE

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 5:05cv166-DCB-JMR

DOLAN WALLER, THELMA LINDSEY, &
FRANCIS RANSOM

DEFENDANTS

FINAL JUDGMENT

This matter having come before the Court on defendant Francis Ransom's Motion to Dismiss for Failure to Serve Process; the defendants' Motion to Dismiss for Failure to State a Claim; the defendants' Motion for Summary Judgment; and the Court's own Motion to Dismiss for Failure to State a Claim for Which Relief Can Be Granted; and the Court having granted the motions as to all federal claims made by the plaintiffs and having declined to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c)(3) as to any remaining state law claims, accordingly:

IT IS HEREBY ORDERED AND ADJUDGED that the action is **DISMISSED**.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff Kirby Tate's claims for negligence and malicious prosecution and plaintiff Christa Tate's claim for loss of consortium under § 1983 are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff Kirby Tate's remaining claims under § 1983 are **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED AND ADJUDGED that any and all state law

claims asserted by the plaintiffs are **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this the 10th day of September, 2007.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE